

1904-046 Chancery Causes: John D. Morgan vs. John S. Ball &
Lee Co.

Brittain

CA-Debt
T-Property

- Deed

To the Hon.H.A.WSkeen,judge of the Circuit Court for Lee Co. Va.:

Humbl~~M~~ complaining your orator John D.Morgan,would respectfully represent and show unto your honor as follows:

That by note dated the 31st day of April,1900,(which should have been April,30,1900)payable one day after date Nancy K.Ball and John S.Ball agreed to pay to your orator the sum of Thirty Four Dollars and fity cents;and that by note dated the 31st day of April,1900,(which should have been April30,1900),payable one day after date,N.S.J.Brittain agreed to pay to your orator the sum of \$18.50, and that the said John S.Ball guarenteed the payment of said sum of money by endorsement on the back of the said note. Said notes are here filed as part of this bill and prayed to be taken as part thereof.Marked exhibits @ and B.

That since the execution of the said notes aforesaid the said Nancy K.Ball has departed this life on the _____ day of _____ 190____;and that on the 19th day of March 1904,her estate was committed to the Sheriff of Lee County,P.M.Ball.

Your orator would fourthur represent and show unto your honor that on the 17th day of March 1897,the said Nancy K.Ball conveyed to John S.Ball a tract of land containing about 75 acres lying on the south of the L. and N. R.R.,and about 2 miles from Ewing depot in Lee County Va.,the deed to which is recorded in Deed Book No. 32 page 597 and 563,copies of which are here filed as Exhibits C and D.

That the said J.S.Ball is still the owner of the said tract of land,that the said N.S.J.Brittain is a non resident of the State of Virginia;that the said John S.Ball,N.S.J.Brittain nor the said Nancy K.Ball,nor any other person has paid said notes or any part thereof,and that the same with all interest that has accumulated thereon is still owing and unpaid to your orator; that that said John S.Ball is removing or about to remove out of this State,with the intent to change his domicile,that he has removed,is removing and intending to remove his own estate,and the proceeds of the sale of his property,at least a material part of such proceeds and such property out of this State,so that process of execution on a judgment when obtained in said action will be unavailing

that he is converting, is about to convert and has converted his property or some part thereof into money, securities, or evidences of debt, with the intent to hinder, delay and defraud his creditors; that he has assigned and disposed of, is about to assign and dispose of his estate with intent to hinder, delay and defraud his creditors.

Your orator is informed that the said Nancy K. Ball's estate is insolvent, and that there is nothing in the hands of her administrator with which to pay the said debt aforesaid; that the said N.S.J. Brattain is not a resident of this State.

The premises considered therefore your orator is advised that he has a right to maintain this suit to have the administration ~~xxx~~ account of the said Ball settled; the estate of the said John S. Ball attached and held and enough thereof sold as may be necessary to satisfy the said debt, the interest thereon and the costs of this suit.

The prayer therefore of your orator is that the said J.S. Ball, N.S.J. Brattain and P.M. Ball, administrator of the estate of Nancy K. Ball be made parties defendant to this bill of complaint and be required to answer the same but not under oath that being expressly waived, that upon a hearing a judgement be rendered against the said parties for the said debt in favor of your orator; that an attachment be issued and levied upon the said real estate of the said defendant J.S. Ball; and that a decree be rendered directing a sale of so much thereof as may be necessary to pay the said debt, the interest thereon and the costs of this suit. And may all other and further relief be granted that the nature of his cause and good conscience requires, and he will ever pray &c.

Pennington Bros. J.C. D.C.

Virginia, Lee County to wit:

I, H.C.T. Ewing, Clerk of the Circuit Court for Lee County do hereby certify that R.L. Pennington this day made oath before me that the statements made in the foregoing bill are true to the best of his knowledge and belief: Given under my hand this the 19th day of March, 1904.

W.C. Flannery D. Clerk.
for H.C.T. Ewing Clerk.

Jos. S. Young

Plff. Costs.

Sheriff, 2.00

Clk. 5.54

atty, 5.00

\$12.54

36

12.90

John D. Morgan

vs. Beech
Chouery

J. B. Bace et al

Bill filed Mar 19

1904 H. C. Ewing Clk.

1904 2nd April rules

Bill filed Sp. executed
and Decree Nisi,

1st May rules Decree
Nisi confirmed and
cause set for hearing.

Pennington Bros
ATTORNEYS AT LAW
JONESVILLE AND PENNINGTON VA.

JOHN D. MORGAN, COMPLAINANT

v.

J. S. BALL ET AL, DEFENDANTS

IN CHANCERY

THIS CAUSE came on this day to be heard upon the bill of the complainant and upon his motion, said bill is dismissed and said cause stricken from the docket.

John D. Moyer

7th Dec

J. B. Mac

En. C. B. No. 7,
Page 468.

Enter this sum

May 19 1904
H. A. M. M.

John D.Morgan,

Complainant,

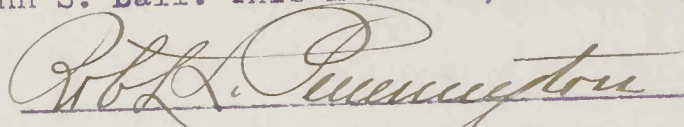
Vs:

In Chancery,

John S.Ball,N.S.J.Brittain and P.M.Ball,
Admr. of the Est.Nancy K.Ball,deceased,

Defendants.

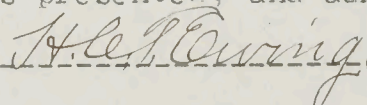
This suit is pending in the Circuit Court for Lee County, and the main object of the suit is to recover of John S.Ball and the estate of Nancy K.Ball the sum of \$34.50, with interest thereon from the 30th day of April, 1900, and to recover of John S.Ball and N.S.J. Brittain the sum of \$18.50, with interest thereon from the 30th day of April 1900, till paid, and to attach the real estate of the said John S.Ball, which real estate consists of a tract of land containing about 75 acres, being the same tract of land that was conveyed to the said John S.Ball by Nancy K.Ball by deed dated the 12th day of March, 1907, recorded in deed book No 32 page 597 and 563, to which deed reference is here made for a particular description of said tract of land. The person whose real estate is intended to be affected by this suit is that of the said John S. Ball. This March 19, 1904.



Of Counsel for John D.Morgan.

Virginia, Lee County to-wit;

In the office of the Clerk of Lee County, the 19th day of March 1904. The foregoing writing was presented, and admitted to record.

Teste; ---  Clerk.

J. D. Morgan
& 3/3 Lio Pundus
J. S. Bacc star

Filed for Record March 19
1904 H. C. T. Ewing Clerk.

Recorded in Deed
Book No. 41 page 293

Examined March 21/1904
Deed Clerk

Clerk H. S. Eto

This Deed made this 12th day of March 1897, between Nancy K. Ball of the first part and John S. Ball, son of the said Nancy K. Ball of the second part all of the County of Lee and State of Virginia;

Witnesseth that the said Nancy K. Ball for and in consideration of the natural love and affection which ^{she} has unto the said John S. Ball and one dollar to her in hand paid, ^{by} the said John S. Ball the receipt whereof is hereby acknowledged by these presents does give, grant, bargain and sell and confirm unto the said John S. Ball his heirs forever, all of a certain parcel of land ^{lying} in the County of Lee and State of Virginia and on the South side of the L. & N. R. R. about 2 miles from Ewing station and bounded as follows: to-wit; Beginning at the middle of a spring and running thence S 54 E 14 poles to a stake thence N 35 1/2 E 3 1/2 poles to a walnut thence N 85 E 13 poles to stake thence N 21 E poles to a stake corner to the 4th small lot and with a line thereof N 10 W 19 poles to a stake on Browns line and with it S 40 1/2 W 3 1/2 poles to a stake thence with a line of the 6th small lot S 60 E 9 poles to a white oak thence S 28 1/2 W 12 poles to a stake thence N 77 1/2 W 13 poles to the beginning, also another small lot, Beginning at the middle thence S 34 E 36 poles to a stake corner the 5th lot and with a line thereof N 30 E 95 poles to the beginning the said lots containing about 75 acres.

Together with all its appurtenances thereunto belonging or in any wise appertaining. The said Nancy K. Ball retains the use and occupancy of said lands for and during a term of her natural life. And the said Nancy K. Ball does for herself and heirs covenant with the said John S. Ball and his heirs that she will warrant and forever defend the title the above granted ^{lands} together with the appurtenances thereto belonging against the claims of all persons whomsoever and her heirs and assigns.

In witness whereof I have hereunto set my hand and seal, the day and year first above written.

her
Nancy K. x Ball (Seal)
mark

Virginia, Lee County to-wit:

I, M. C. Brooks a Justice of the Peace in and for the County and State aforesaid, do certify that Nancy K. Ball whose name is signed to the writing above and hereto annex bearing date on the 12th day of March 1897, has acknowledged the same before me in my County aforesaid.

Given under my hand this 12th day of March 1897.

M. C. Brooks, J. P.

Virginia, Lee County to-wit:

In the office of the Clerk of the County Court for said County the 9th day of September 1897, this deed was presented, and with the certificate annexed admitted to record.

Teste: S. V. F. Richmond, Clerk.

A Copy,

Teste: W. H. Ewing Clerk.

(D. B. No. 32 page 563)

Nancy K. Ball
To { Deed
John S. Ball

(D. B. No. 28 page 503)

Teste: S. V. F. Richmond, Clerk.

Copy

Clerk 60 cts

the 12th day of March 1897, has acknowledged the same before me in

signed to the writing above and hereto annexed bearing date on
and state aforesaid, do certify that Nancy K. Ball whose name is
I, M. C. Brooks a Justice of the Peace in and for the County
Virginia, Lee County to-wit:

This Deed made this 12th day of March 1897, between Nancy K. Ball of the first part and John S. Ball, son of the said Nancy K. Ball of second part all of the County of Lee and State of Virginia

Witnesseth; That the said Nancy K. Ball for and in consideration of the natural love and affection which she has unto the said John S. Ball and one dollar to her in hand paid by the said John S. Ball the receipt whereof is hereby acknowledged, by these presents does give, grant, bargain and sell and confirm unto the said John S. Ball his heirs forever all of a certain parcel of land lying in the County of Lee and State of Virginia, and on the South side of the L. & N. R. R. about 2 miles from Ewing station and bounded as follows, to-wit: Beginning at the middle of a spring and running thence S 54 E 14 poles to a stake thence N 35 1/2 E 3 1/2 poles to a walnut thence N 85 E 13 poles to stake thence N 21 E --poles to a stake corner to the 4th small lot and with a line thereof N 70 W 19 poles to a stake on Browns line and with it S 40 1/2 W 3 1/2 poles to a stake thence with ^alines with of the 6th small lot S 60 E 9 poles to a white oak thence S 28 1/2 W 12 poles to a stake thence N 77 1/2 W 13 poles to the beginning, also another small lot beginning at the middle of a spring and running thence S 77 1/2 E 13 poles to a stake thence N 28 1/2 E 12 poles to a white oak thence N 60 E 9 poles to a stake on Browns line and with it S 40 1/2 W to the beginning, also another lot. Beginning the middle of the spring running S 11 1/2 W 13 poles to a stake thence N 73 1/2 W 22 poles to spanish oak on Browns line and with it N 40 1/2 E to the beginning, also another lot, beginning at a stake corner to the third large lot and running thence with a line thereof N 30 E 93 poles to a stake on McGees line and with his lines N 35 W --poles to two poplars thence westwardly to a corner of the first large lot and with line thereof leaving McGees line S 5 E 68 poles to a small chestnut, thence S 15 1/2 poles to a stake thence N 87 1/2 E 8 poles to a stake corner the 10 acre tract and with a line thereof S 42 W to a stake corner

to the 7th large lot, and with a line thereof S 34 E 38 poles to the beginning, also another lot; beginning at a triple mulberry and running thence N 35 E 88 poles to a stake on McGees line thence N 35 W to a stake corner to the second lot and with a line thereof S 30 W 93 poles to a stake corner to the 6th lot and with a line of it S 34 E 36 poles to the beginning, also another lot, beginning a triple mulberry and running thence N 34 W 36 poles to a stake corner to the 7th lot and with a line thereof S 30 W 95 poles to a corner of the 7th lot, thence S 34 E 36 poles to a stake corner to the 5th lot and with a line thereof N 30 E 95 poles to the beginning. The said lots containing about 75 acres. Together with all its appurtenances thereunto belonging or in any wise appurtenanting the said Nancy K. Ball retains the use and occupancy of the said lands for and during the term of her natural life and the said Nancy K. Ball does for herself and heirs covenant with the said John S. Ball and his heirs that she will warrant and forever defend the title the above granted lands together with the appurtenances thereto belonging against the claims of all persons whomsoever and her heirs or assigns. In witness whereof I have hereunto set my hand and seal the day and year first above written.

her
Nancy K. x Ball (Seal)
mark

Virginia, Lee County to-wit:

I, M. C. Brooks a Justice of the Peace in and for the County and State aforesaid do certify that Nancy K. Ball whose name is signed to the writing above and hereto annexed bearing date on the 12th day of March 1897 has acknowledged the same before me in my County aforesaid. Given under my hand this 12th day of March 1897.

M. C. Brooks J. P.

Virginia, Lee County to-wit:

In the Clerks office of the County Court for said County the 8th day of September 1897. This deed was presented, and with the certificate annexed, admitted to record.

Teste: S. V. F. Richmond, Clerk.

A Copy,

Teste:

H. L. Ewing Clerk.

A COPY, Teste:

Clark.

Teste: S. V. P. Richmond, Clerk.

the certificate annexed, admitted to record.
the 28th day of September 1897. This deed was presented, and with
in the Clerk's Office of the County Court for said County
Virginia, the County Court:

M. O. Brooks 1. P.

County Storeward. Given under my hand this 18th day of March 1897.

18th day of March 1897 has acknowledged the same before me in my
signed to the writing above and hereto annexed bearing date on the
and State Storeward do certify that Nancy K. Bell whose name is

I, M. O. Brooks a Justice of the Peace in and for the County
Virginia, do County Court:

MARK

Nancy K. x Bell (Seal)

her

hand and seal the day and year first above written.

her heirs or assigns. In witness whereof I have hereto set my
thereto belonging against the claims of all persons whomsoever and
the title the above Enacted lands together with the appurtenances

John S. Bell and his heirs that one will warrant and forever defend

Nancy K. Bell does for herself and heirs covenant with the said
lands for and during the term of her natural life and the said
the said Nancy K. Bell retains the use and occupancy of the said

all the appurtenances thereto belonging or in any wise appurten-
belonging. The said lot containing about 75 acres. Together with

her to the said lot and with a line thereof N 20 W 35 poles to the

to a corner of the 4th lot, thence S 34 E 35 poles to a stake cor-

corner to the 4th lot and with a line thereof S 30 W 35 poles

a triple line property and running thence N 34 E 35 poles to a stake

of it S 34 E 35 poles to the beginning, also another lot, beginning

S 30 W 35 poles to a stake corner to the 6th lot and with a line

N 35 W to a stake corner to the second lot and with a line thereof

and running thence N 35 E 35 poles to a stake on McGee's line thence

the beginning, also another lot, beginning at a triple lineberry

to the 4th large lot, and with a line thereof S 34 E 35 poles to

Nancy K. Ball
To: Dub
John S. Ball

Copy

Clark 7 Octo

In the Circuit Court of the County of Lee

John D. Morgan
against

Plaintiff

IN Chancery

John S. Ball, N. S. J. Britton
& P. M. Ball Advers of the Estate of
Nancy L. Ball

Defendant &

Robert L. Peumpton, Agent & Attorney for John D. Morgan maketh oath and saith, that he believes

the claim, for which the above entitled action is instituted, to be just; that he, the affiant, believes

that John D. Morgan is entitled to and ought to recover in said action

\$ 53 00 (at the least), with interest thereon, to be computed at the rate of 6-

per centum per annum, from the 30th day of April 1900, till paid; and that to the

best of his belief the said defendant : John S. Ball

~~I am a foreign corporation, or not a resident of this State, and have estate or~~
debts owing to said defendant within the Co of Lee in which the action is
~~instituted with a defendant residing therein;~~

I is removing or about to remove out of this State, with intent to change his
domicile.

I is removing, or intends to remove, or has removed

his own estate, or the proceeds of the sale of his property, or a material part of
such estate or proceeds, out of this State, so that process of execution on a judgment, when
obtained in said action, will be unavailing;

I is converting, or is about to convert, or has converted, his property or some
part thereof into money, securities, or evidences of debt, with intent to hinder, delay or defraud
his creditors.

I has assigned or disposed of, or is about to assign or dispose of, his estate,
or some part thereof, with intent to hinder, delay or defraud his creditors.

Subscribed and sworn to before me, this 19th day of March, 1904

Robert L. Peumpton
McElhenny D.C.
for R.C.S. Ewing Works

John S. Morgan

vs.

{
AFFIDAVIT FOR
ATTACHMENT.

John S. Ball et al

Filed the *19* day of *July* 190*4*

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon John S. Baer, Nancy
S. J. Britton & P. M. Baer Admr. of the
estate of Nancy K. Baer decd-

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be
held for the said court, on the 3rd Monday in April, 1904, to answer a
bill in chancery exhibited against them in our said court by

John S. Morgan

And have then there this writ. Witness, H. C. Ewing
E. B. MURPHY, Clerk of our said Court,
at the court-house, the 19th day of March, 1904, and in the 128
year of the Commonwealth.

H. C. Ewing, Clerk.

Enclosed the within seems by delivery a true copy
of the within summons to attach next to J. S. Ball are the
23rd day of March, 1904 & to P. M. Ball on April 1, 1904,
I further enclose by attaching the following de-
scribed tract whole, to wit, a tract of
about 75 acres showing the same tract of land conveyed
to J. S. Ball by Nancy K. Ball, See deed Book No 32
pages 597 & 563, The said J. S. Ball being in possession of
said land - to whom was delivered a copy of the said attachment
this April 1, 1904 When Litthell J. S. for P. M. Ball

For P. M. Ball
Dr John D. Morgan

VS. }
SUBPEONA
IN CHANCERY.

John S. Ball and others

Penington Bros. p. q.

To 2 apud Rules.
Circuit Court.

Executed on all the
parties except Nancy Butler
the being nominally
this April, 1st, 1904 -
Wm Litthell,
D.S. for P. M. Ball,
S. L. C.

The plaintiff in this suit having made affidavit as required
by law, it is hereby ordered that the officer to who this sum-
mons is directed, viz, The Sheriff of the County of Lee, do attach
the estate of the defendant John S. Ball, and especially a tract of
land which was conveyed to him by his mother Nancy K. Ball, and any
other estate belonging to the said John S. Ball, in whose favor four
or so much as may be necessary to satisfy the sum of \$50.00, with
interest thereon from the 30th day of April, 1900, till paid and
the costs of this suit; and the subject keep to answer the future
order of the court.

To be:

Clock.